

REMARKS

Applicants wish to thank the Examiners for participating in the case interview on May 13, 2005. During the interview, claims 1, 4 and 10 were discussed. Although the Examiner admitted that the claims were distinguished over the references, the Examiner asked Applicants to amend the claims to improve clarity of the claims.

In the Office Action mailed January 4, 2005, the Examiner indicated that claims 1-10 are pending in the application. Claim 2 has been amended to solely correct an inaccuracy recited in the language of the claim. In particular, claim 2 has been corrected to indicate that the deliverer delivers the "electronic message" at the time of shipping the article to deliverer.

1. Objections to Claims

In the Office Action, the Examiner has objected to claims 5, 6 and 8 due to inadequate spacing between words. Applicants have addressed the objection via appropriate amendments to the claims.

2. 35 U.S.C. § 112 Rejection

The Examiner has rejected claims 1-3, 5, 6 and 9 under 35 U.S.C. § 112 for lacking insufficient antecedent basis for a term recited therein. The Examiner has rejected claim 10 under 35 U.S.C. § 112 for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. All rejections under 35 U.S.C. § 112 have been addressed by appropriate amendments to the affected claims.

3. 35 U.S.C. §102 Rejection

The Examiner has rejected independent claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,321,211, issued to Dodd (hereinafter Dodd). See Office Action, at Page 3.

Dodd discloses a computer system within a networked environment that electronically exchanges an on-line gift prior to ordering the on-line gift from a vendor. According to Dodd, the system has a memory storage device that maintains a description of possible gifts, including the on-line gift and a gift to replace the on-line gift. See Dodd, column 2, lines 13-20. Before a sender orders the gift from a vendor, the recipient of the gift can receive information pertaining to the gift to decide if he or she would like to receive the gift. If the recipient does not wish to receive the gift, the recipient can elect to receive a replacement gift. Thus, the recipient may exchange the gift for another gift before the gift order is actually fulfilled. See Dodd, column 1, line 64 – column 2, line 12. In other words, Dodd discloses that the gift giver selects an online gift for the recipient from a variety of gifts and sends information on the gift selection to the

recipient. The recipient is able to determine whether to accept or exchange the gift.

In at least one embodiment, the present invention includes sending an electronic message associated with an article to a receiver of the article at the time that notification is received that delivery of the article is completed. Thus, in the present invention, notification is received by the server 1 (sender) that delivery of the article has been completed. For example, the server 1 receives notification of the package ID and the date and hour of the completion of delivery. As a result, the server can transmit an electronic message to the receiver of the article to accompany the article. See Specification of the Present Invention, at page 15, line 21 – page 16, line 11.

In at least one embodiment, the present invention discloses that the delivery company manages an article and an electronic message separately and sends them to a receiver at the same time.

The above-described method is recited in the language of independent claim 1, for example, which recites in relevant part, “sending the electronic message associated with the article to a receiver of the article at the time of ***receiving notification that delivery of the article is completed.***”

Applicants respectfully submit that independent claims 1 and 5 are not anticipated by the cited reference Dodd, as Dodd does not disclose any information regarding receiving notification that delivery of the article is completed. In fact, Dodd is completely silent as to delivery of an article. In contrast to the present invention, in Dodd, an electronic mail notification is transmitted to the recipient to allow the recipient to receive on-line information pertaining to the recipient's gift. For example, the selected gift is graphically shown to the recipient with its associated details. Dodd's notification is intended to be before delivery of the gift. Thus, in Dodd, the electronic mail notification merely serves the function of allowing the recipient to learn of information pertaining to the recipient gift, and is not a “notification that delivery of the article is completed,” as recited in claim 1.

Regarding independent claims 2 and 6, the present invention, as defined by currently amended independent claim 2, for example, is directed to transmitting an electronic message associated with the article to a terminal of a deliverer who delivers the message at the time of shipping the article to the deliverer. In the present invention, the deliverer delivers the electronic message and the article. Applicants respectfully submit that independent claim 2 is not anticipated by the cited reference Dodd, as Dodd does not disclose, “a deliverer who delivers the electronic message,” as recited in claim 2. Dodd merely discloses that an electronic order for a replacement gift is placed prior to physically receiving the on-line gift and that multiple vendors

typically supply the replacement gifts. No information regarding a deliverer delivering a message is disclosed in Dodd.

Regarding independent claims 3, 7 and 9, Applicants submit that in contrast to the present invention, in Dodd, an electronic mail notification is transmitted to the recipient to allow the recipient to receive on-line information pertaining to the recipient's gift. For example, the selected gift is graphically shown to the recipient with its associated details. Thus, in Dodd, the electronic mail notification merely serves the function of allowing the recipient to learn of information pertaining to the recipient's gift, and is not "input which indicates that delivery of the article is completed," as recited in claim 3, for example.

Regarding independent claims 4 and 8, Applicants submit that unlike in the present invention in which notification is received that delivery of the article is completed, Dodd does not disclose any such notification, as previously indicated.

Regarding independent claim 10, claim 10 is not anticipated by the cited reference Dodd, as Dodd does not disclose, "...a case in which the server judges delivery of the article as being incomplete." In the present invention, the server determines whether delivery of the article is incomplete, that is, whether or not the article has been delivered to the recipient. In Dodd, no information is provided regarding a server judging whether delivery of the article is incomplete. Rather, in Dodd, the method and system operate with a presumption that delivery of a gift has not been completed. Dodd clearly states that allowing the recipient of an online gift to accept or exchange the gift for a substitute prior to shipping the gift is done prior to shipping the gift so that the recipient need not wait until the gift arrives to return it, for example. See Dodd, column 3, lines 20-25.

New claim 11 has been added and recites no new matter. Support for new claim 11 can be found in the specification of the present invention, at page 2, lines 22-25. Claim 11 is patentable over the cited reference Dodd, as Dodd does not teach, "allowing the recipient to receive the message at a time equal to or after a time at which a parcel corresponding to the message is delivered to the recipient." Rather, Dodd merely teaches transmitting a notification to the recipient before the article is delivered.

In light of the foregoing reasons, it is submitted that all of the pending claims satisfy the requirements of 35 U.S.C §102 and are allowable, as the claims are not taught by the cited reference. An early Notice of Allowance is earnestly solicited.

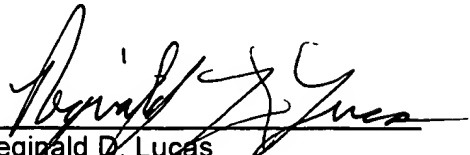
If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

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Respectfully submitted,

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